

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMES D. MASI,

Plaintiff(s),

REPORT AND RECOMMENDATION

-against-

CV 04-1297 (TCP) (ETB)

UNUM PROVIDENT CORPORATION,

Defendant(s).

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TO THE HONORABLE THOMAS C. PLATT, United States District Judge:

I am advised that as a result of the settlement of civil litigation involving the Attorney Generals of several states, including New York, and the defendant, Unum Provident Corporation, the underlying claim herein is eligible for a reassessment with or without any additional evidence.

The parties request leave of the court to participate in this reassessment procedure. The deadline for completion is December 2006. The parties seek, therefore, to stay this action pending the outcome of the claim reassessment determination by Unum.

RECOMMENDATION

I recommend (1) that this action be stayed pending the outcome of the reassessment; and (2) that this action be placed on the suspense calendar and closed subject to any party's application to restore the case to the active calendar, provided that such application be filed with the court no later than January 2, 2007.

FILING OF OBJECTIONS TO THIS REPORT AND RECOMMENDATION

Any objections to this Report and Recommendation must be filed with the Clerk of the Court with a copy to the undersigned within 10 days of the date of this report. Failure to file objections within the specified time waives the right to appeal the District Court's order. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); IUE AFL-CIO Pension Fund v. Herrmann, 9 F.3d 1049, 1054 (2d Cir. 1993), cert. denied, 115 S.Ct. 86 (1994); Frank v. Johnson, 968 F.2d 298 (2d Cir.), cert. denied, 113 S.Ct. 825 (1992); Small v. Secretary of Health and Human Serv., 892 F.2d 15, 16 (2d Cir. 1989)(per curiam).

Dated: Central Islip, New York
February 3, 2005

/s/ E. Thomas Boyle
E. Thomas Boyle
United States Magistrate Judge